



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,039	06/14/2001	Takeo Katsuda	011350-276	5950

7590

01/04/2005

Platon N. Mandros
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

DUONG, THOMAS

ART UNIT	PAPER NUMBER
----------	--------------

2145

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/880,039	Applicant(s) KATSUDA, TAKEO	
	Examiner Thomas Duong	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because of misspelling.
 - *"attachement"* (fig.9, 10, 13 and 21)
 - *"ransfer"* (fig.5)
 - *"tansmission"* (fig.5, 16 and 19)

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-31 and 37-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (US006421707B1).

4. With regard to claims 1, 15 and 37-43, Miller reference discloses,

- *an E-mail receiving device (service controller 713) receiving E-mail addressed to a certain destination;* (Miller, col.1, lines 47-51, lines 54-58; col.3, lines 33-38; col.9, lines 24-28; fig.7)

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

- *an E-mail preparing device preparing receipt notice E-mail based on the E-mail received by said E-mail receiving device;* (Miller, col.1, lines 52-55; col.4, lines 40-43; col.9, lines 41-46)

Miller teaches of an environment where a receipt notification is generated and delivered to the addressee. Miller's environment allows the subscriber the ability

Art Unit: 2145

to customize the message receipt notification through the use of a user-specific agent.

- *an E-mail transmitting device transmitting the receipt notice E-mail prepared by said E-mail preparing device to said destination; (Miller, col.1, lines 52-55; col.9, lines 41-46)*

Miller teaches of an environment where a receipt notification is generated and delivered to the addressee.

- *a location information acquiring device acquiring location information of said destination; (Miller, col.7, lines 8-15)*

Miller teaches of step of locating the addressee (i.e. subscriber).

- *a selecting device selecting one of multiple image output devices on the basis of the location information acquired by said position acquiring device; and (Miller, col.1, lines 47-58; col.2, lines 58-64; col.5, lines 35-49; col.6, lines 14-19; col.9, lines 40-46)*

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller, a receipt notification is selectively generated and delivered to the addressee, the addressee is located and finally the intended email is displayed to the subscriber or outputted to a device (i.e. facsimile) according to subscriber's preference.

- *a data transmitting device transmitting at least a portion of the data of the E-mail received by the E-mail receiving device to the image output device selected by the selecting device. a selecting device selecting one of multiple image output devices on the basis of the location information acquired by said position*

Art Unit: 2145

acquiring device; and (Miller, col.1, lines 47-58; col.2, lines 58-64; col.5, lines 35-49; col.6, lines 14-19; col.9, lines 40-46)

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller, a receipt notification is selectively generated and delivered to the addressee, the addressee is located and finally the intended email is displayed to the subscriber or outputted to a device (i.e. facsimile) according to subscriber's preference.

5. With regard to claims 2 and 16, Miller reference discloses the invention substantially as claimed,

See *claims 1 and 15* rejection as detailed above.

Furthermore, Miller reference discloses,

- *wherein said E-mail preparing device prepares the receipt notice E-mail based on the content of a main text portion of the E-mail received by the E-mail receiving device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h))

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

Furthermore, Miller anticipates that the notification message may contain the body of the email text.

6. With regard to claims 3-5 and 17-19, Miller reference discloses the invention substantially as claimed,

Art Unit: 2145

See *claims 1 and 15* rejection as detailed above.

Furthermore, Miller reference discloses,

- *wherein said E-mail preparing device prepares the receipt notice E-mail by removing an attachment file portion of the E-mail received by the E-mail receiving device.*
- *wherein said data transmitting device transmits data corresponding to the attachment file portion of the E-mail received by the E-mail receiving device.*
- *further comprising a converting device converting the attachment file portion of the E-mail received by the E-mail receiving device into data of a format acceptable to the image output device; wherein, said data transmitting device transmits the data after the conversion by said converting device. (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))*

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

7. With regard to *claims 6-7 and 20-21*, Miller reference discloses the invention substantially as claimed,

Art Unit: 2145

See claims 1 and 15 rejection as detailed above.

Furthermore, Miller reference discloses,

- *wherein said data transmitting device transmits the data corresponding to the attachment file portion of the E-mail received by the E-mail receiving device.*

(Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

8. With regard to claims 8-11, 22-25 and 28-29, Miller reference discloses the invention substantially as claimed,

See claims 1 and 15 rejection as detailed above.

Furthermore, Miller reference discloses,

- *wherein said selecting device selects image output devices within a certain distance from said destination.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))

Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.

Art Unit: 2145

- *wherein said selecting device selects an image output device closest from said destination. (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))*
- Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.
- *wherein said selecting device including:*
 - *a list preparing device preparing a list of image output devices within a certain distance from said destination;*
 - *a list transmitting device transmitting the list prepared by said list preparing device to said destination; and*
 - *a selection instruction receiving device receiving an instruction for specifying one of the image output devices in the list. (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))*

Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.

9. With regard to claims 12-13, 26-27 and 30, Miller reference discloses the invention substantially as claimed,

See claims 1 and 15 rejection as detailed above.

Furthermore, Miller reference discloses,

- *wherein said data transmitting device transmits the data to an image output device specified by a telephone number. (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))*

Miller teaches of a plurality of delivery methods such as email, fax, messaging, voice, etc. Alternative methods of delivering the data include the Internet, printer, display, etc.

10. With regard to claims 14 and 31, Miller reference discloses,

- *an E-mail receiving device receiving E-mail including a main text portion and an attachment file portion and being addressed to a certain destination;* (Miller, col.1, lines 47-51, lines 54-58; col.3, lines 33-38; col.9, lines 24-28; fig.7)

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

- *an E-mail preparing device preparing receipt notice E-mail by removing the attachment file portion from the received E-mail;* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

- *an E-mail transmitting device transmitting the receipt notice E-mail prepared by said E-mail preparing device to said destination;* (Miller, col.1, lines 52-55; col.9, lines 41-46)

Miller teaches of an environment where a receipt notification is generated and delivered to the addressee.

- *an instruction receiving device receiving an E-mail including an instruction for specifying one of multiple image output devices;* (Miller, col.5, lines 35-49)

Miller teaches of a step where the subscriber specifies the desired method of retrieval of the email as well as the attachments.

- *a converting device converting the attachment file portion into data of a format acceptable to the image output device; and* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desire d after converting the attachment to the appropriate format.

- *a data transmitting device transmitting said data after the conversion to the image output device specified by said instruction.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments

Art Unit: 2145

are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

11. Claims 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Theimer et al. (US005493692A).

12. With regard to claims 32-36, Theimer reference discloses,

- *a receiving device receiving E-mail from an E-mail controlling apparatus;*

(Theimer, col.8, lines 40-58; col.9, lines 7-20; col.24, lines 8-48; fig.16)

Theimer teaches of an environment where a message is received at a portable terminal unit, the available delivery methods based on the location of the subscriber are detected, and delivering the data to the appropriate output or display device.

- *a detecting device detecting the location of said portable terminal unit; and*

(Theimer, col.8, lines 40-58; col.9, lines 7-20; col.24, lines 8-48; fig.16)

Theimer teaches of an environment where a message is received at a portable terminal unit, the available delivery methods based on the location of the subscriber are detected, and delivering the data to the appropriate output or display device.

- *an acquiring device acquiring the data that indicates an image output device selected on the basis of the location detected by said detecting device.* (Theimer, col.8, lines 40-58; col.9, lines 7-20; col.24, lines 8-48; fig.16)

Theimer teaches of an environment where a message is received at a portable terminal unit, the available delivery methods based on the location of the

Art Unit: 2145

subscriber are detected, and delivering the data to the appropriate output or display device.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US006421707B1) and in view of Theimer et al. (US005493692A).

15. With regard to claims 1, 14-15, 31-32 and 36-43, Miller reference discloses,

- *an E-mail receiving device (service controller 713) receiving E-mail addressed to a certain destination; (Miller, col.1, lines 47-51, lines 54-58; col.3, lines 33-38; col.9, lines 24-28; fig.7)*

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

- *an E-mail preparing device preparing receipt notice E-mail based on the E-mail received by said E-mail receiving device; (Miller, col.1, lines 52-55; col.4, lines 40-43; col.9, lines 41-46)*

Miller teaches of an environment where a receipt notification is generated and delivered to the addressee. Miller's environment allows the subscriber the ability

Art Unit: 2145

to customize the message receipt notification through the use of a user-specific agent.

- *an E-mail transmitting device transmitting the receipt notice E-mail prepared by said E-mail preparing device to said destination; (Miller, col.1, lines 52-55; col.9, lines 41-46)*

Miller teaches of an environment where a receipt notification is generated and delivered to the addressee.

- *a data transmitting device transmitting at least a portion of the data of the E-mail received by the E-mail receiving device to the image output device selected by the selecting device. a selecting device selecting one of multiple image output devices on the basis of the location information acquired by said position acquiring device; and (Miller, col.1, lines 47-58; col.2, lines 58-64; col.5, lines 35-49; col.6, lines 14-19; col.9, lines 40-46)*

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller, a receipt notification is selectively generated and delivered to the addressee, the addressee is located and finally the intended email is displayed to the subscriber or outputted to a device (i.e. facsimile) according to subscriber's preference.

Even though Miller discloses the locating and selecting steps as the Examiner explained in the 35 U.S.C. 102(e) rejection above, the Examiner will present another reference, Theimer (US005493692A), that clearly teaches the locating the subscriber device and selecting the appropriate output method base on the location of the subscriber.

Theimer teaches,

Art Unit: 2145

- *a location information acquiring device acquiring location information of said destination; (Theimer, col.8, lines 40-58; col.9, lines 7-20; col.24, lines 8-48; fig.16)*

Theimer teaches of an environment where a message is received at a portable terminal unit, the available delivery methods based on the location of the subscriber are detected, and delivering the data to the appropriate output or display device.

- *a selecting device selecting one of multiple image output devices on the basis of the location information acquired by said position acquiring device; and (Theimer, col.8, lines 40-58; col.9, lines 7-20; col.24, lines 8-48; fig.16)*

Theimer teaches of an environment where a message is received at a portable terminal unit, the available delivery methods based on the location of the subscriber are detected, and delivering the data to the appropriate output or display device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the Theimer reference with the Miller reference to selectively deliver messages to a subscriber of the wireless service base on the available as well as appropriate output or display methods in proximity to the subscriber. According to Theimer, it is advantageous to *"provide a system in which the delivery of electronic messages to a particular user or users may be selective, depending upon the context or state of the user or users. Furthermore, appropriate computing devices for particular actions, such as delivery of electronics messages, are selected based on the environment in proximity to the user in relation to the properties of the message"* (col.4, lines 5-12).

16. With regard to claims 2 and 16, Miller and Theimer references disclose the invention substantially as claimed,

See claims 1 and 15 rejection as detailed above.

Furthermore, Miller reference discloses,

- *wherein said E-mail preparing device prepares the receipt notice E-mail based on the content of a main text portion of the E-mail received by the E-mail receiving device. (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h))*

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

Furthermore, Miller anticipates that the notification message may contain the body of the email text.

17. With regard to claims 3-5 and 17-19, Miller and Theimer references disclose the invention substantially as claimed,

See claims 1 and 15 rejection as detailed above.

Furthermore, Miller reference discloses,

- *wherein said E-mail preparing device prepares the receipt notice E-mail by removing an attachment file portion of the E-mail received by the E-mail receiving device.*
- *wherein said data transmitting device transmits data corresponding to the attachment file portion of the E-mail received by the E-mail receiving device.*

Art Unit: 2145

- *further comprising a converting device converting the attachment file portion of the E-mail received by the E-mail receiving device into data of a format acceptable to the image output device; wherein, said data transmitting device transmits the data after the conversion by said converting device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

18. With regard to claims 6-7 and 20-21, Miller and Theimer references disclose the invention substantially as claimed,

See claims 1 and 15 rejection as detailed above.

Furthermore, Miller reference discloses,

- *wherein said data transmitting device transmits the data corresponding to the attachment file portion of the E-mail received by the E-mail receiving device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

19. With regard to claims 8-11, 22-25 and 28-29, Miller and Theimer references disclose the invention substantially as claimed,

See claims 1 and 15 rejection as detailed above.

Furthermore, Miller reference discloses,

- *wherein said selecting device selects image output devices within a certain distance from said destination.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))

Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.

- *wherein said selecting device selects an image output device closest from said destination.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))
- Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.
- *wherein said selecting device including:*
 - *a list preparing device preparing a list of image output devices within a certain distance from said destination;*
 - *a list transmitting device transmitting the list prepared by said list preparing device to said destination; and*

Art Unit: 2145

- *a selection instruction receiving device receiving an instruction for specifying one of the image output devices in the list.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))

Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.

20. With regard to claims 12-13, 26-27 and 30, Miller and Theimer references disclose the invention substantially as claimed,

See claims 1 and 15 rejection as detailed above.

Furthermore, Miller reference discloses,

- *wherein said data transmitting device transmits the data to an image output device specified by a telephone number.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

Miller teaches of a plurality of delivery methods such as email, fax, messaging, voice, etc. Alternative methods of delivering the data include the Internet, printer, display, etc.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

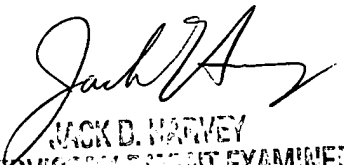
- Taniguchi et al. (US006801962B2)
- Hasegawa (US006510438B2)
- Shimoosawa (US006658456B1)

Art Unit: 2145

- Namekawa (US006237027B1)
 - Shaffer et al. (US006092114A)
 - Nakanura (US005548789A)
 - Kowaguchi (US006185605B1)
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached at 571/272-3923. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571/272-2100.

Thomas Duong (AU2145)

December 17, 2004


JACK B. HARVEY
SUPERVISOR/TECHNICAL EXAMINER